

PUBLIC NOTICE

CRITICAL RESOURCE WATERS (CRW) DESIGNATION FINAL REVISION

On March 22, 2004, the District Engineer (DE), U.S. Army Corps of Engineers (Corps), Tulsa District, revised the list of waters within the State of Oklahoma designated as CRW. The proposed revision was announced in a public notice, dated June 6, 2003.

This designation pertains to Nationwide Permit (NWP) General Condition No. 25 (Federal Register, Vol. 67, No. 10, January 15, 2002, page 2093) relative to the Corps responsibilities under Section 404 of the Clean Water Act (CWA)(33 USC 1344) and Section 10 of the Rivers and Harbors Act (RHA) of 1899 (33 USC 403).

The March 2004 revision of CRW referenced Appendix A of the Oklahoma's Water Quality Standards (OWQS) (OAC 785: Chapter 45; effective July 12, 1999), and included waters listed as:

- 1) Outstanding Resource Waters (ORW) and waters in their watersheds, and
- 2) High Quality Waters (HQP).

The location and extent of these waters are shown in the enclosures (enclosures 1 through 6). The revised list of CRW is also included (enclosure 7). It may also be accessed from the Tulsa District Regulatory Program webpage, under the subject of "NWP Regional Conditioning and Water Quality Certification" at: http://www.swt.usace.army.mil/permits/CF_NPP_home.cfm

Background: The Oklahoma Department of Environmental Quality (ODEQ) is the State agency responsible for certifying compliance with and enforcement of OWQS. The Corps, in coordination with the ODEQ, revised the CRW list by expanding the list to include all waters within the watersheds of ORWs as described in subparagraph 1 above. The basis for this change is the Antidegradation Requirements in Subchapter 3 of the OWQS for ORWs are applicable to the waters listed as *ORW* or *Scenic Rivers* in Appendix A as well as waters of the State located within the watersheds of Scenic Rivers. Consequently, this revision allows these waters to be treated consistently under the NWP Program of the Department of the Army Permit Program pursuant to Section 404 CWA and Section 10 RHA.

In revising the list, the Corps also deleted the Appendix B, Table 2 waters, "Areas Which contain

Federally-listed Threatened or Endangered Species” from the CRW list. All designated

Critical Habitat waters are automatically afforded status as CRW under NWP General Condition 25 without further action by the Corps. In exchange for the deletion of the Appendix B, Table 2 waters and for the benefit of an informed regulated public, the Corps has identified Endangered Species Waters or Aquatic Resources of Concern in the Tulsa District in Part II of the CRW list. Waters contained in Part II are not CRWs unless designated as Critical Habitat for an endangered species by the U.S. Fish and Wildlife Service.

General Permits (GPs) for Activities in CRWs: Proposed construction activities in the listed waters that are candidates for authorization under a Department of the Army NWP will be subject to General Condition 25. Certain NWPs are not available in CRWs. The Corps issued two new GPs concurrent with the revision of the CRW list to address frequently occurring activities that in many cases involve minimal environmental impact. Both of these GPs require project-specific notification to the Corps prior to commencement of work.

The first GP is No. OKOOG30012 for Utility Line Activities in Critical Resource Waters in Oklahoma. The text and conditions of this GP can be viewed at:

<http://www.swt.usace.army.mil/nwp/genpmt12.pdf>

The second GP is No. OKOOG30014 for Transportation Crossings in Critical Resource Waters in Oklahoma. The text and conditions of this GP can be viewed at:

<http://www.swt.usace.army.mil/nwp/genpmt14.pdf>

For general information on the Department of the Army Permit Program or terms of specific NWPs, please refer to the internet at: <http://www.swt.usace.army.mil/permits/permits.cfm>.

If you do not have access to the internet, the same materials may be requested by writing to: ATTN: Regulatory Branch (CESWT-PE-R), U.S. Army Corps of Engineers - Tulsa District, 1645 South 101st East Avenue, Tulsa, OK 74128-4609, or by calling 918-669-7400 and speaking with a Regulatory Branch project manager.

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Enclosures

File: PN-FNL-CRW

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